

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Nashville District; Eastern Regulatory Field Office

FILE NUMBER:

2004-02042

REGULATORY PROJECT MANAGER:

Ken M Jones

Date: November 22, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (N)

Date: NA

At the project site (Y)

Date: November 8, 2004

PROJECT LOCATION INFORMATION:

State:

Tennessee

County:

Knox

Center coordinates of site by latitude & longitudinal coordinates:

N 35d 57' 15.5"

W 83d 49' 41.6"

Approximate size of site/property (including uplands & in acres):

4.5 Acres

Name of waterway or watershed:

Unnamed Trib - French Broad River

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								2700	
Dry Wash									
Mudflat									
Sandflat									
Wetlands			4.5						
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.									

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			Yes		
Is or would be used as habitat by other migratory birds that cross state lines?			Yes		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION:

Preliminary ___ Or Approved XX.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

1. The site is 4.5 acres and proposed for a commercial development. There is a drainage ditch bisecting the site that is acting to drain wetland.
2. The wetland area is approximately 4.50 acres and has all the criteria for a jurisdictional wetland. Plants are missing on section, but this appears to be due to man made alterations. The surface water enters a sinkhole offsite so is no surface connection either man-made or natural.
3. There is not an adjacency issue with any other water resource that could be considered jurisdictional. All surface water enters sinkhole. The isolated wetland does not have a surface connection and is not adjacent to waters of the U.S.
4. No other waters of the U.S. are on site.